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FEB 15 2007

To: Examiner Kim M. Lewis Group Art Unit: 3772 Serial No.: 10/780,370 Company: United States Patent and Trademark Office Location: Alexandria, VA Phone: 571-272-4796 Fax: 571-273-8300	From: Terry L. Wiles Direct phone: 612-334-8992 Date: February 15, 2007 Pages including cover sheet: 12 Reference #: 815
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Comments:

Certification of Facsimile Transmission

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David R. Knighton et al.

Attorney Docket: EMB1007USC2

Serial No.: 10/780,370

Group Art Unit: 3772

Filed: February 17, 2004

Examiner: Kim M. Lewis

For: VEIN HARVESTING SYSTEM AND METHOD

TRANSMITTAL LETTER

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith are the following:

1. Amendment After Allowance (4 pages);
2. Copy of the Continuation Application under 37 C.F.R. § 1.53(b)
Transmittal filed in the above-identified application on February 17, 2004
(3 pages); and
3. Copy of the Filing Receipt dated May 11, 2004 (2 pages).

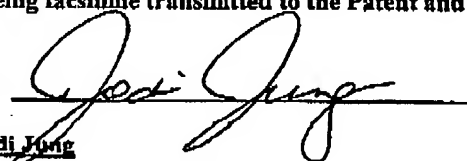
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Date:

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Signature:

Name: Jodi Jung

Transmittal Letter

Applicants: David R. Knighton et al.

Serial Number: 10/780,370

Attorney Docket: EMB1007USC2

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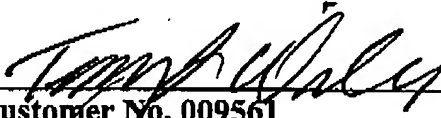
FEB 15 2007

It is believed that no fees are due in connection with this submission. However if this is incorrect, please charge any additional fees to Deposit Account No. 16-2312.

Respectfully submitted,

Date: 2/15/07

By


Customer No. 009561
Terry L. Wiles (29,989)
Patrick J. O'Connell (33,984)
POPOVICH, WILES & O'CONNELL, P.A.
650 Third Avenue South, Suite 600
Minneapolis, MN 55402
Telephone: (612) 334-8989
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Attorneys for Applicants

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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FEB 15 2007

In re Application of: David R. Knighton and Vance D. Fiegel

Docket No.: EMB1007USC2

Anticipated Classification of this
application:

Class _____ Subclass _____

Prior Application: 10/391,148

Examiner: Fadi H. Dahbour

Group Art Unit: 3742

CONTINUATION APPLICATION UNDER
37 C.F.R. § 1.53(b) TRANSMITTALMail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for the filing under 37 C.F.R. § 1.53(b) of a
☒ continuation, ☐ divisional, ☐ continuation-in-part of pending prior Application No.
10/391,148, filed March 18, 2003 which is a continuation of U.S. Serial No. 09/715,382,
filed November 17, 2000, now U.S. Patent No. 6,558,313, entitled VEIN HARVESTING
SYSTEM AND METHOD and naming as inventors David R. Knighton, having an
address of 3846 Zenith Avenue South, Minneapolis, Minnesota and Vance D. Fiegel,
having an address of 1401 Mississippi Street, New Brighton, Minnesota.

1. ☒ Enclosed are 13 pages of specification, 3 pages of claims
(11 claims), 1 page of abstract, and 5 pages of drawings.
2. ☒ Enclosed is a copy of the Declaration and Power of Attorney
(3 pages).

Certificate of Express Mailing (37 C.F.R. § 1.10)

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express
Mail Post Office to Addressee" Mailing Label No. EV 399043890 US and is addressed to Mail Stop Patent
Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: February 17, 2004

Signature: _____

Name: Jodi Jung

Applicants: David R. Knighton et al.
Prior Application No.: 10/391,148

Attorney Docket: EMB1007USC2

3. ☒ Incorporation by Reference. The entire disclosure of the prior Application No. 10/391,148, filed March 18, 2003, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference.
- 4a. ☒ The inventors have assigned their rights in this invention to Embro Corporation, which is a small business concern in accordance with 37 C.F.R. § 1.27(a)(2), and the Small Entity Status in accordance with 37 C.F.R. § 1.27(c)(1) is therefore asserted.
- 4b. ☒ The filing fee is calculated below.

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CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee \$385.00
Total Claims	11-20	0	X	\$18.00	\$0.00
Independent Claims	3-3	0	X	\$84.00	\$0.00
Multiple Dependent Claims	0	0	X	\$280.00	\$0
Total					\$385.00

5. ☐ The Commissioner is hereby authorized to charge any deficiency in fees which may be required, or credit any overpayment to Deposit Account No. 16-2312. A duplicate copy of this sheet is enclosed for that purpose.
6. ☒ A check in the amount of \$ 385.00 is enclosed to cover the required filing fees.
7. ☒ Five sheets of formal drawings are enclosed.
8. ☒ The Assignment records in the Patent and Trademark Office indicate that the prior application is assigned to Embro Corporation, at reel 011430 /frame 0237.

Applicants: David R. Knighton et al.
Prior Application No.: 10/391,148

Attorney Docket: EMB1007USC2

9. ☒ The Power of Attorney in the prior application is to: Thomas E. Popovich, Terry L. Wiles, Patrick J. O'Connell, Miriam G. Simmons and others.

a. ☐ The power appears in the original papers in the prior application.

b. ☒ A copy of the power in the prior application is enclosed.

c. ☒ Address all future communications to:
Terry L. Wiles, Esq. (29,989)
Popovich, Wiles & O'Connell, PA
650 Third Avenue South
Suite 600
Minneapolis, MN 55402

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FEB 15 2007

10. ☒ An Information Disclosure Statement (2 pages), and two copies of Form PTO-1449 (2 pages) are enclosed.

Respectfully submitted,

Dated: 2/17/04

By


Customer No. 009561

Terry L. Wiles, Esq. (29,989)

Patrick J. O'Connell, Esq. (33,984)

Miriam G. Simmons (34,727)

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Representatives of Applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/780,370	02/17/2004	3736	385	EMB1007USC2	5	11	3

ACKNOWLEDGED RECEIPT

CONFIRMATION NO. 1839

Terry L. Wiles, Esq.
 Popovich, Wiles & O'Connell, PA
 Suite 600
 650 Third Avenue South
 Minneapolis, MN 55402

MAY 17 2004

BY POPOVICH & WILES, PA

FILING RECEIPT



OC000000012587075

Date Mailed: 05/11/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

David R. Knighton, Minneapolis, MN;
 Vance D. Fiegel, New Brighton, MN;

Assignment For Published Patent Application

Embro Corporation;

Domestic Priority data as claimed by applicant

This application is a CON of 10/391,148 03/18/2003 PAT 6,705,986
 which is a CON of 09/715,382 11/17/2000 PAT 6,558,313

Foreign Applications

If Required, Foreign Filing License Granted: 05/08/2004

Projected Publication Date: 08/19/2004

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Vein harvesting system and method

Preliminary Class

600

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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